

IN THE SUPERIOR COURT OF LOWNDES COUNTY

STATE OF GEORGIA

| | | |
|----------------|---|-------------------|
| TELVIN SMITH, | § | CIVIL ACTION FILE |
| Plaintiff, | § | NO. 2018CVD0765 |
| vs. | § | |
| DACCHEI SIMMS, | § | |
| Defendant. | § | |

MOTION FOR CONTEMPT

COMES NOW the Defendant DACCHEI SIMMS, and files this her Motion For Contempt by and through her undersigned attorney of record, and in support thereof shows as follows:

1.

The above-styled matter came before this Court for a temporary hearing as to the issues of child support and visitation on June 4, 2019.

2.

After proper notice having been sent to the Plaintiff, who is Pro Se, but the Plaintiff having failed to appear; and the Defendant having been present with her attorney; and evidence having been received and argument of counsel heard, this Court entered a Temporary Order on June 5, 2019. A copy of the Temporary Order is attached hereto as Exhibit "A".

3.

Paragraph two of the Temporary Order provides that the Plaintiff pay child support to the Defendant on behalf of the parties' minor children NAILAH ELYSE SMITH, born in 2014 and TELVIN TRISHAUN SMITH, II, born in 2016 in the amount of Five thousand five hundred dollars (\$5,500.00) per month with the first payment being due June 4, 2019 and then payable thereafter on the first day of each month until further Order of this Court.

4.

As of the filing of this Motion For Contempt, the Plaintiff is in willful contempt of paragraph two of the Court's Temporary Order in that he has failed to pay child support as ordered by the Court and has only paid Four thousand dollars (\$4,000.00) for the months of September and October 2019, leaving a balance of Seven thousand dollars (\$7,000.00) in arrears.

5.

The Plaintiff shows that she is entitled to her reasonable attorney's fees for the bringing of this Contempt.

WHEREFORE, the Defendant prays:

- a) that the Plaintiff be held in contempt of this Court's Temporary Order;
- b) that the Defendant be awarded her attorney's fees for the bringing of this Contempt;
- c) that the Plaintiff be jailed until such time as he purges himself from this Contempt;
- c) that a hearing be held as to all issues brought forward in this Motion; and
- e) for such other and further relief as the Court deems just and reasonable.

This 16th day of October 2019.

SMITH, HANNAN & PARKER, P.C.

P.O. Box 5408
Valdosta, GA 31603-5408
(229) 242-4649
mhannan@shplaw.com

By: B. Miles Hannan
B. Miles Hannan
Attorney For Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that he has this date mailed a true and correct copy of the foregoing MOTION FOR CONTEMPT to Mr. Telvin Smith, Plaintiff, Pro Se, at 782 Shipwatch Drive East, Jacksonville, FL 32225-5407, in an envelope properly address with sufficient postage affixed thereon.

This 16th day of October 2019.

SMITH, HANNAN & PARKER, P.C.

P.O. Box 5408
Valdosta, GA 31603-5408
(229) 242-4649
mhannan@shplaw.com

By: B. Miles Hannan
B. Miles Hannan
Attorney For Defendant

IN THE SUPERIOR COURT OF LOWNDES COUNTY 2019 JUN -5 PM 2:59

STATE OF GEORGIA

Beth C. Greene
CLERK OF SUPERIOR STATE
JUDICIAL CIRCUIT

TELVIN SMITH,

§

CIVIL ACTION FILE

Plaintiff,

§

NO. 2018CVD0765

vs.

§

DACCHEI SIMMS,

§

Defendant.

§

TEMPORARY ORDER

WHEREAS, the above-styled matter having come on for a temporary hearing as to the issues of child support and visitation on June 4, 2019; and

WHEREAS, proper notice having been sent to the Plaintiff, who is Pro Se, on May 15, 2019, but Plaintiff having failed to appear; and

WHEREAS, the Defendant having been present with her attorney; and

WHEREAS, evidence having been received and argument of counsel heard;

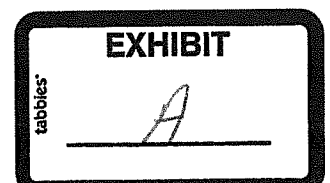
IT IS HEREBY ORDERED as follows:

1.

The parties have two minor children NAILAH ELYSE SMITH, born in 2014 who was legitimated by prior Order Of Legitimation entered in Lowndes Superior Court Civil Action File No. 2015CVD1052; and TELVIN TRISHAUN SMITH, II, born in 2016 who was legitimated by Order On Final Legitimation entered in the instant action on January 16, 2019.

2.

The Defendant has filed with the Court a Georgia Child Support Worksheet and supporting documentation showing the Plaintiff's income pursuant to his contract with the



Jacksonville Jaguars as \$9,750,000.00 for 2019. Based upon the Georgia Child Support Worksheets the base amount of child support the Plaintiff owes the Defendant is \$3,049.00 per month for both children. The Court, acknowledging that the income cap under O.C.G.A. §19-6-15 is \$30,000.00 per month or \$360,000.00 per year, considered the circumstances of this case being: the presumptive amount is unjust or inappropriate; the Plaintiff's income and ability to pay without impairing Plaintiff's ability to maintain adequate housing, food, and clothing; and necessities needed for the proper care and maintenance of the minor children, grants a High Income Deviation as being in the best interest of the minor children in the amount of \$2,501.00.

Therefore, the Plaintiff is hereby ordered to pay as child support through the Clerk of the Superior Court of Lowndes County, Georgia along with any appropriate handling fees charged by the Clerk of the Superior Court to the Defendant on behalf of the parties' minor children the sum of \$5,500.00 per month with the first payment being due June 4, 2019 and then payable thereafter on the first day of each month until further Order of this Court.

3.

The Plaintiff is to provide health insurance cards showing that the parties' minor children are covered by the insurance policy provided by the NFL. The health insurance cards are to be provided to the Defendant through her attorney within thirty (30) days of this Temporary Order.

4.

Defendant's counsel, B. Miles Hannan, is awarded attorney's fees for the defense of this action and for his representation of the Defendant in addressing child support, visitation and legitimation from the commencement of the Plaintiff's original action through the current action in the amount of \$8,500.00. This sum shall be paid directly to B. Miles Hannan at 610 N. Patterson Street, Suite B, Valdosta, GA 31601 no later than June 15, 2019.

5.

The Court awards no visitation to the Plaintiff until such time as he appears in Court to address all issues associated with any exercise of visitation with either child. Any visitation shall be at the sole direction of the Defendant.

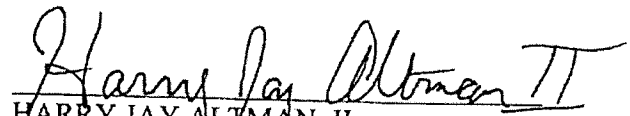
6.

The alleged Agreement signed by the Defendant on or about May 15, 2017 shall at no time be offered into evidence; is hereby set aside; and at no time will be given any force or effect.

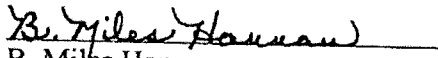
7.

The Plaintiff shall have no direct or indirect, harassing, threatening or abusive conduct or communication with the Defendant.

SO ORDERED this 5 day of June, 2019 nunc pro tunc June 4, 2019.


HARRY JAY ALTMAN, II
CHIEF SUPERIOR COURT JUDGE
SOUTHERN JUDICIAL CIRCUIT

Prepared by:


B. Miles Hannan
Attorney for Defendant
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State Bar No. 323577